

INTRODUCTION

The guidelines apply to photography or film taken on the College premises or at school-related events and activities held on or off the College premises. With technological developments, the taking and use of photographs and film of students while participating in College-related activities has become an inseparable part of education and social development.

The College has a duty of care and privacy obligations to manage the taking and use of photography, recording and film by:

- College staff and College affiliates;
- parents/carers;
- students; and
- commercial or professional photographers/filmers.

EMMAUS COLLEGE POLICY

Emmaus College is committed to maximising the educational and social benefits of photography, recording and filming, while taking all reasonably practicable measures to manage the risks to student safety and wellbeing arising from the inappropriate taking and use of photos, recordings and films.

Emmaus College's guideline states that:

- the College will take all reasonably practicable measures to manage the ability and access of all persons to take photos, films or recordings of students on the College premises or at College – related activities and events.
- the College will take all reasonably practicable steps to obtain the consent of relevant parents/carers in taking, using and publishing photos, films and recordings of students;
- the type of consent sought from parents/carers for the collection and use of photos, films or recordings of their children will depend on the use to which the photos, films or recordings are to be put.
- College staff will take all reasonably practicable measures to supervise and manage the taking of photos, films or recordings by students of other students, whilst on College premises and at College-related activities and events;
- the College will address parents/carers taking and publishing photos, films or recordings of students at school-related activities and events through ongoing communication and education.
- the College will manage the risks to privacy by professional photographers, and filmers through contractual undertakings.
- the College will communicate and educate students in the safe and respectful taking and use of photos, films and recording;
- photos, films and recording taken by and for the College will be stored in accordance with the Standard Collection Notice.
- the College reserves the right to decide whether a particular person has the right to take photos, films and recordings on the College premises or at College related activities and events.

CONSENT

The consent required from parents/carers to the taking and use of photos and films of a student will vary depending on the context and purpose of the photography, filming and recording.

CONSENT FORMS

The College will work with parents/carers to provide information about and gain consent for the use of photographs, films and recordings of students which may be taken by College staff or approved external providers. Consent forms given to parents/carers will:

- notify them that their child's image may be used in photos, films or recordings;
- inform them about how these images and films are stored and used; and
- request their consent before using or publishing images of their children.

REFUSAL OF CONSENT

If a parent/carer does not consent to having their child photographed, filmed or recorded, the College will take all reasonably practicable steps to ensure that the student is not photographed, filmed or if that is not reasonably practicable, then that they are not identified in photos/films/recordings.

CURRICULAR AND RELATED EDUCATIONAL ACTIVITIES

A Standard Collection Notice is provided to parents/carers initially when a student commences at Emmaus College. This covers any personal information collected in the course of providing educational services, including photography and filming. A general consent form will be obtained from the parent/carer to the use of photos, films and recording of the student in the course of providing educational services.

INTERNAL PUBLICATIONS

Where images of students are to be used in the normal course of school life in College Newsletters, Intranet and within the College, this will be covered by a standard collection notice and consent given at enrolment.

The consent and permissions provided by parents/carers will be updated regularly where photographs, film or recordings of the student may be distributed in internal College publications such as the College Intranet.

Should issues arise where a parent/carer does not consent to the use of a student's image, the College will take all reasonably practicable steps not to include the student's image.

Where a student's image is part of a group of students, consideration will be given to varying the caption either not to include names or only including the first names of the students in the image.

EXTERNAL PUBLICATIONS

The College will seek specific consent from parents/carers prior to including the student's image in any external publication. This includes consent for College magazines or websites that are available to the public.

MEDIA

The College will seek specific consent from parents/carers prior to any contact with the media for the purposes of photos, films or recordings of the student.

PROMOTIONAL USE

The College will seek specific consent from parents/carers prior to using any images of students for promotional purposes. The request for consent will include details of where the images will be placed and the context in which it will be used.

COURT ORDERS AND CHILDREN UNDER GUARDIANSHIP

Where students at the College are under court orders or protection (including guardianship/foster arrangements, care and protection orders or witness protection programs, consent may also need to be obtained from third parties for external publications or publications for promotional use.

The College will approach any relevant third parties as part of gaining consent using the Photography/Film/Recording Consent Form.

COPYRIGHTS AND STUDENTS' WORK

Where the College wishes to publish a student's work, consideration may need to be given to any copyright the student may have in that work. Consent may need to be obtained under the *Copyright Act 1968* (Cth) before the work may be published.

PHOTOGRAPHY/FILM BY EXTERNAL COMMERCIAL OR PROFESSIONAL PARTIES

The College will take all reasonably practicable steps to manage and control the taking of photos or films of its students by external parties, and their access to College premises, College-related activities and events and students. The College will seek consent from parents/carers prior to school/class photos being taken. The College will advise parents/carers prior to school-related events being recorded.

Where the College hires professional photographers/filmers, the College will set terms and requirements including written confidentiality undertakings and securing the ownership of photos, films and recordings. If ownership cannot be obtained reasonably, the College will negotiate terms of use with the external party/ies to manage the safety and privacy of students and staff.

PHOTOGRAPHY/FILM BY STUDENTS

The College will supervise and manage students taking photos and videos of each other for educational purposes. The College will educate students on the safety risks of publishing personal information, and the importance of privacy, consent and showing respect for each other in their use and control of photos and films.

Disciplinary action may be taken where students have knowingly breached these conditions.

PHOTOGRAPHY/FILM BY PARENTS/CARERS

The College acknowledges that parents/carers will want to take photos of students, while they are engaged in College-related activities, and in practical terms, the College may not be able to control when the photos are taken and how it is used. The College will communicate with parents/carers regularly to ensure they understand the risks of publishing the photos and films and how best to protect students' safety and privacy.

SUSPICIOUS ACTIVITY

Where any teacher, student or member of staff notices behaviour, which may be criminal or may endanger the health or wellbeing of a student they must report the behaviour immediately to the Principal.

Suspicious /criminal behaviour may include:

- Indecent photography such as 'upskirting'
- Voyeuristic or 'peeping tom' behaviour which includes people taking photos surreptitiously
- People taking photographs in sensitive places such as change rooms and bathrooms.

The Principal will take appropriate action in response to a report which may include disciplining persons, who are members of the College community, or reporting the matter to the Police or relevant authorities.

PUBLISHING PHOTOS OR VIDEOS

The College will follow these general guidelines when using and publishing photos, or films in print and online publications.

- Photos/films/recordings of a student will be used only where the College has permission of the parent/carer.
- Where appropriate the College will not identify any student in the photos/films published.
- Where there are photos which may be misused potentially (for example, photos of students at gymnastics or swimming events), the College will take steps to ensure only appropriate images or films are published.

RECORD KEEPING

The College has an obligation to comply with both state Privacy Laws and the *Privacy Act 1988* (Cth). A photograph or film is a form of personal information (a record, which must be managed according to the College's Privacy Program and Standard Collection Notice.

The College will maintain a record of photographs and associated consent forms (with applicable dates to ensure that consent has been received for a particular use. Where practicable this will include a record of the image.

IMPLEMENTATION

The guidelines will be implemented through training and the publication of information for parents/carers.

REVIEW

The guidelines were approved by the Emmaus College Principal, Ms Karen Jebb in March 2022. It will be reviewed bi-annually.